

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DUSA PHARMACEUTICALS, INC. and  
QUEEN'S UNIVERSITY AT KINGSTON,

Plaintiffs,

v.

NEW ENGLAND COMPOUNDING  
PHARMACY, INC.,

Defendant.

Civil Action No. 04-12703 NMG

---

**ASSENTED-TO MOTION FOR AN EXTENSION OF TIME TO PLEAD OR  
OTHERWISE MOVE IN RESPONSE TO COMPLAINT**

---

Plaintiffs filed this patent action on December 27, 2004. Under Rule 12 of the Federal Rules of Civil Procedure, a response by Defendant New England Compounding Pharmacy, Inc. ("NECP") is due by January 18, 2005. NECP hereby moves that the Court grant it a 30-day extension of time, up to and including **February 17, 2005**, to plead or otherwise move with respect to the Complaint. The additional time is needed to investigate the allegations made and plaintiffs' related actions. Per L.R. 7.1, counsel for NECP spoke to counsel for plaintiffs, William McNichol, on January 7, 2005, and on plaintiffs' behalf, he assented to NECP's request.

For these reasons, NECP respectfully requests that the Court grant its assented-to motion.

NEW ENGLAND COMPOUNDING  
PHARMACY, INC.

Dated: January 14, 2005

/s/ Jolynn M. Lussier  
Jolynn M. Lussier, Esq. (BBO# 564636)  
FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
TEL: (617) 542-5070  
FAX: (617) 542-8906  
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by first class mail on January 14, 2005.

---